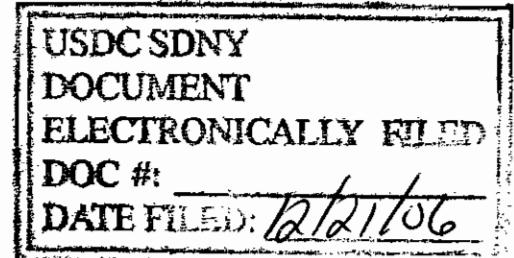


**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

December 20, 2006



Re: Riverkeeper, et al. v. EPA, 06 Civ. 12987 (PKC)

Dear Judge Castel:

I am the Assistant United States Attorney assigned to represent defendant United States Environmental Protection Agency ("EPA") in the above-referenced matter, filed on November 7, 2006. For the reasons set forth below, we write respectfully to request an extension of time to respond to the plaintiffs' complaint, from January 8, 2007, until the Court sets a briefing schedule at the initial conference on January 19, 2007.

Pursuant to the Court's December 6 order, the parties are scheduled to appear for an initial conference in this case on January 19, 2007. As required by the order, the plaintiffs and EPA are preparing a joint letter to be submitted in advance of the conference, setting forth a brief summary of the parties' claims and defenses, as well as a discussion of motions the parties intend to file. EPA intends to file a motion to dismiss the complaint in this case, the basis of which will be described in the joint letter, pursuant to Your Honor's pre-motion requirement. Accordingly, EPA respectfully requests an extension of time to file its response to the complaint, from the current response date of January 8, 2007, until the Court sets a briefing schedule at the January 19 conference. Plaintiffs' counsel consents to EPA's request for an extension until January 19, 2007.

*Time to respond  
to complaint is adjourned  
to a date to be set at the  
Jan 19 initial conference  
(which will also serve as a pretrial  
conference). SO ORDERED, USDS  
12-21-06*

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA

United States Attorney

By:

  
WENDY H. WASZMER

Assistant United States Attorney

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cc: EDWARD LLOYD, ESQ. (By facsimile and first-class mail)  
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